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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,451	03/22/2001	Peter A. Burton	ATG-3	7648
1473	7590	02/27/2004	EXAMINER	
FISH & NEAVE 1251 AVENUE OF THE AMERICAS 50TH FLOOR NEW YORK, NY 10020-1105			BARTUSKA, FRANCIS JOHN	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 02/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/815,451

Applicant(s)

BURTON ET AL.

Examiner

F. J. BARTUSKA

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 April 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 79.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1, 9-11, 19 and 20 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Ogasawara. Ogasawara discloses an Internet shopping system that downloads shopping web programs from

server 72 to web browser 70 to identify items for purchase, see col. 6, lines 20-25, col. 9, lines 30-38 and col. 9, line 65 to col. 10, line 28.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Arthurs. Ogasawara discloses an Internet shopping system that downloads shopping web programs from server 72 to web browser 70 to identify items for purchase, see col. 6, lines 20-25, col. 9, lines 30-38 and col. 9, line 65 to col. 10, line 28.

Ogasawara does not disclose that one of the programs downloaded is a searching function or a grouping function or a sorting function. Arthurs discloses in col. 10, lines 37-51 that a search engine may be downloaded from a network to an end user to search information in any type of storage structure. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Arthurs to include a search engine among the programs downloaded from the server in order to search information in any of the storage structures of the system.

6. Claims 3 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Ronning. Ogasawara discloses an Internet shopping system that downloads shopping web programs from server 72 to web browser 70 to identify items for purchase, see col. 6, lines 20-25, col. 9, lines 30-38 and col. 9, line 65 to col. 10, line 28.

Ogasawara does not disclose compressing and decompressing the transferred data. Ronning discloses in col. 8, lines 19-31 that compressing data for transmission and decompressing it is well known in the art and gives as an example Apple Computer, Inc.'s Cinepak compression scheme. It would have been obvious to one of ordinary skill in the art in view of the showing and teaching of Ronning to provide the system of Ogasawara with one of the well known compression schemes.

7. Claims 4 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Hirai. Ogasawara discloses an Internet shopping system that downloads shopping web programs from server 72 to web browser 70 to identify items for purchase, see col. 6, lines 20-25, col. 9, lines 30-38 and col. 9, line 65 to col. 10, line 28.

Ogasawara does not disclose compressing and decompressing the transferred data by converting the data from base 10 to base-n and then back to base 10 wherein n is greater than 10. Hirai discloses in the Abstract and in col. 3, line 61 to col. 4, line 12 and in col. 15, lines 40-53 that compressing data for transmission and decompressing by

converting from base 10 to a base greater than 10 and then back to base 10 is well known in the art and is applicable to computer systems including those based on personal computers. It would have been obvious to one of ordinary skill in the art in view to provide the system of Ogasawara with the data compression scheme disclosed in Hirai in order to transmit more data in a given time.

8. Claims 5-8 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogasawara in view of Ronning as applied to claim 3 above. Further, merely calling for the particular data that is in a database involves only an obvious design choice to one of ordinary skill in the art. Names, addresses, identification numbers and item descriptions are common information in databases associated with shopping systems such as Amazon.com.

### *Specification*

9. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

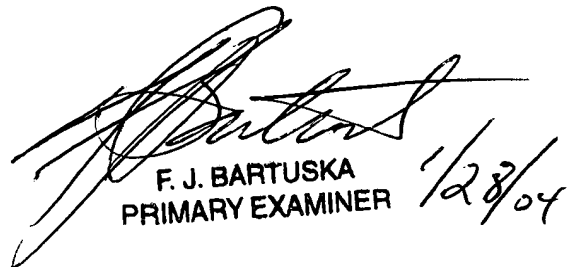
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. J. BARTUSKA whose telephone number is 703-308-1111. The examiner can normally be reached on MONDAY-FRIDAY (ALTERNATE FRIDAYS OFF).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ROBERT P. OLSZEWSKI can be reached on 703-308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

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F. J. BARTUSKA  
PRIMARY EXAMINER 1/28/04